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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,441

11/20/2003

Rick E. Bollenbacher

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05/29/2007

AKERMAN SENTERFITT

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EXAMINER

WIENER, ERIC A

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

05/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/718,441

Applicant(s)

BOLLENBACHER ET AL.

Examiner

Eric A. Wiener

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed on 3/20/2007.

**This action is made final.**

2. Claims 1 – 20 are pending in the case. Claims 1 and 12 are the independent claims. Claims 1 – 5, 7 – 10, and 12 – 20 are the amended claims.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4, 8 – 15, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Crosby et al. (US 6,366,302 B1).

**As per independent claims 1 and 12,** Crosby discloses *a method for indicating that a content page is scrollable (column 3, lines 39 – 40) as well as a computer-readable storage having stored thereon a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform the steps of said method (column 4, lines 10 – 15), said steps comprising:*

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- *displaying a content page within a display area of a graphical user interface (GUI) (column 5, lines 7 – 19);*
- *determining that at least a portion of the displayed content page is scrollable in at least one direction (column 5, lines 7 – 19);*
- *and responsive to said determination, displaying at least one flyover within said display area to indicate said at least one direction that said content page is scrollable, wherein said at least one displayed flyover is a GUI object independent of said displayed content page (column 5, lines 61 – 67), where the examiner has interpreted the “dynamic scroll indicator” to be sufficiently equivalent to a “flyover.”*

**As per claims 2 and 13,** Crosby discloses the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a vertical direction, displaying a vertical flyover (column 6, lines 8 – 18).* The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has “multiple appearances” depending upon what portions of the page are currently displayed to be sufficiently equivalent to displaying a vertical appearance if the page is vertically scrollable.

**As per claims 3 and 14,** Crosby discloses the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a horizontal direction, displaying a horizontal flyover (column 6,*

lines 8 – 18). The examiner has interpreted the fact that the dynamic scroll indicator can be presented at different locations and also has “multiple appearances” depending upon what portions of the page are currently displayed to be sufficiently equivalent to displaying a horizontal appearance if the page is horizontally scrollable.

**As per claims 4 and 15**, Crosby discloses the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses *scrolling said displayed content page in said at least one scrollable direction* (column 6, lines 50 – 52), *wherein a position of said at least one flyover remains fixed during said scrolling step* (column 5, lines 63 – 65). The examiner has determined the fact that the dynamic scroll indicator is presented in one position throughout the illustrated embodiment sufficiently discloses that the position of said indicator is able to remain fixed while scrolling.

**As per claims 8 and 19**, Crosby discloses the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *at least one among an appearance, a position, and a behavior of said at least one flyover is customized using a configuration editor* (column 2, lines 37 – 44).

**As per claims 9 and 20**, Crosby discloses the method and computer-readable storage of claims 1 and 12, respectively. In addition, Crosby further discloses that *said at least one flyover is implemented on an operating system level as a generic GUI object* (column 5, lines 7 – 9, 61 – 63), where the examiner has interpreted the fact that the dynamic scroll indicator is implemented on the display controlled by the graphical user interface as being sufficiently equivalent to said indicator being implemented as a generic object of the graphical user interface on the operating system.

**As per claim 10**, Crosby discloses *a system for indicating in a display area of graphical user interface (GUI) that a content page is scrollable* (column 5, lines 30 – 31) comprising:

- *means for displaying said content page within said display area* (column 5, lines 7 – 19), where the means for displaying is the display of the system (Abstract, line 1);
- *means for determining that at least a portion of the displayed content page is scrollable in at least one direction* (column 5, lines 7 – 19), where the means for determining is the software program stored in the memory of the system;
- *and means for displaying at least one flyover within said display area responsive to said determination, wherein said at least one flyover indicates at least one direction that said content page is scrollable, wherein said at least one displayed flyover is a GUI object independent of said displayed content page* (column 5, lines 7 – 9, 61 – 67), where the examiner has interpreted the “dynamic scroll indicator” to be sufficiently equivalent to a “flyover” and has also interpreted the fact that the dynamic scroll indicator is implemented on the display controlled by the graphical user interface as being sufficiently equivalent to said indicator being implemented as a generic object of the graphical user interface on the operating system, and where the means for displaying is the display of the system (Abstract, line 1).

**As per claim 11**, Crosby discloses the system of claim 10. In addition, Crosby further discloses *said flyover is implemented within an operating system specifically designed for a*

*mobile computing device, wherein said mobile computing device comprises at least one of a personal data assistant (column 1, lines 15 – 20) and a cellular telephone (Abstract, lines 1 – 6).*

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US 6,366,302 B1) in view of Wagner et al. (US 6,300,967 B1).

**As per claims 5 and 16,** Crosby discloses the method and computer-readable storage of claims 1 and 12, respectively. Crosby does not explicitly disclose said method comprises detecting a flyover-close event and, responsive to said flyover-close event, closing said at least one flyover.

However, in an analogous art, Wagner discloses *detecting a flyover-close event and, responsive to said flyover-close event, closing said at least one flyover* (column 2, lines 51 – 53 and column 8, lines 59 – 67), where the examiner has interpreted the fact that a visual clue “disappears” in response to said event to be sufficiently equivalent to the closing of said visual clue.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wagner into the method and computer-readable storage of Crosby to develop a method and computer-readable storage for providing an indication that a

content page is scrollable and closing said indication in response to an event. The modification would have been obvious, because operating scrolling mechanisms in a graphical user interface can be complex for people unfamiliar with such interfaces. Thus, it is well known in the art that there is a need for providing a user interface that allows a user to be aware of all of the possible input options that are available at a specific time (Crosby, column 2, lines 1 – 3). In addition, there is also a need for a scrolling mechanism that consistently provides instructional feedback, which would include the ability to hide feedback during certain situations so as to not confuse the user or hinder their ability to scroll efficiently (Wagner, column 2, lines 41 – 46).

As per claims 7 and 18, Crosby and Wagner substantially disclose the method and computer-readable storage of claims 5 and 16, respectively. In addition, Wagner further discloses *determining that said content page has been scrolled so that an end point of the content page has been displayed, wherein said display of said end point of said content page triggers said flyover-close event* (column 8, lines 59 – 67).

7. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US 6,366,302 B1) and Wagner et al. (US 6,300,967 B1) in view of Ogawa et al. (US 6,529,218 B2).

As per claims 6 and 17, Crosby and Wagner substantially disclose the method and computer-readable storage of claims 5 and 16, respectively. Neither Crosby nor Wagner explicitly discloses determining an occurrence of a scroll event, wherein said scroll event triggers said flyover-close event.



However, in an analogous art, Ogawa discloses *determining an occurrence of a scroll event, wherein said scroll event triggers said flyover close event* (column 1, lines 10 – 13, 49 – 53). The examiner has interpreted the ability to move auxiliary information to include the ability of moving said auxiliary information off the screen, thus being sufficiently equivalent to closing said auxiliary information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ogawa into the method and computer-readable storage of Crosby and Wagner to develop a method and computer-readable storage for providing an indication that a content page is scrollable and closing said indication in response to a scroll event. The modification would have been obvious, because operating scrolling mechanisms in a graphical user interface can be complex for people unfamiliar with such interfaces. Thus, it is well known in the art that there is a need for providing a user interface that allows a user to be aware of all of the possible input options that are available at a specific time (Crosby, column 2, lines 1 – 3). In addition, there is also a need for a scrolling mechanism that consistently provides instructional feedback, which would include the ability to hide feedback during certain situations so as to not confuse the user or hinder their ability to scroll efficiently (Wagner, column 2, lines 41 – 46).

8. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-

33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

9. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

### *Response to Arguments*

10. Applicant's arguments filed on 3/20/2007 have been fully considered but they are not persuasive.

Applicant has argued that *Crosby fails to disclose or suggest that any disclosed forms of the "dynamic scroll indicator" provide a "flyover" scroll indicator.*

The Examiner disagrees. As disclosed in the application, "the flyover can be a graphical user interface (GUI) object independent of the content page. The flyover can be a fixed object that appears on top of other windows in the GUI." The disclosed forms of the "dynamic scroll indicator" of Crosby are independent of the content page, because they are not part of said content page's content. In addition, said disclosed forms are fixed objects that appear *on top of other windows* in the GUI, as can be seen from the fact that "dynamic scroll indicator" 308 appears fixed on top of the window 208 of Fig. 7A, for example, wherein it can also be seen that the window 208 is the content page. (Please see the above rejection of claims 1 and 12).


In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies, i.e. "would overlap content" and "would be displayed on top of items," are neither recited in the disclosure nor any of the claims.

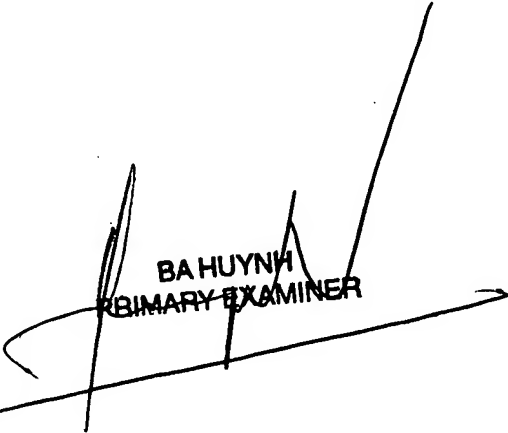
### *Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eric Wiener  
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A.U. 2179

  
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PRIMARY EXAMINER